1914-15

[Courts]

File no. 7-14

Serial Nos. 1-8

Over detention of a prisoner in the B.e. Jail on a/c of the delay on the part of the Chitaldroog Police & magistrates in intimating the realization of the fine imposed on the prisoner.

G. R. S. 58]

Previous references.

Pris. 20-09.(1-4)B
- 26-06 (1-7)B.

1914. 15
(Courts)

File No. 7-14

Serial Nos. 1-8.

May be destroyed
16/6/22

Later references.

cs 166-18 (1-8)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-8

Part B for Jan. 15

SUBJECT.

Overdetention of a prisoner in the B.C. jail on a/c of the delay on the part of the Chilliwack Police & magistracy in intimating the realization of the fine imposed on the prisoner.

From The D. M. Chilliwack Dt 470 of 28/29/5/14

states the facts of the case & the circumstances in which the prisoner was overdetained & forwards the explanation of the Supdt of Police, adds that the delay is very regrettable & that the persons concerned have been warned to be more careful in future & suggests a revision of the forms of the fine warrants.

P. T. O.

GPB—5,000—22-10-16

Mr Shortt

4. 2. 15.

2. To The D. M. Chillāldrug.
J 302. of 1.7.14.
Calls for the explanation of the Ad Clerk or other clerk who dealt with the papers & request that the same may be forwarded along with the explanation of the police officials & the entire ~~records~~ correspondence relating to the execution of the warrant.

3. From the Same Officer. 71 of 4.8.14.
Forwards the explanation of the police officials & those of the officials of the Court along with the entire correspondence.

4. To The Dm. Chillāldrug (J. 772-781 of 16.8.14.)
" Dm. & other Dists
" I. G. of Police
" Reg. Chief Ct.
States that the explanation furnished by the officials of the D. S. P's office are not at all satisfactory & requests the Dm. to further enquire into the matter and award adequate punishment to the parties at fault & calls for a report as to the ultimate disposal of the case.

5. To The Registrar, Chief Court.
J. 782 of 16.9.14.
Requests him to favour Govt with the opinion of the judges of the Chief Ct as to the advisability of requiring the Courts to enforce the full sentence awarded (substantive term of imprt, fine, & imprt in default of payment thereof) on the warrant for the levy of the fine.

See page 3.
red cover—

J 3916

G.R.S. 11] 1914-15

GENERAL AND REVENUE SECRETARIAT.

(Courts)

NOTES.

File No. 70 1914-15

FILE HEADING.

Overdetention of a prisoner in the Bangalore Central Jail on account of the delay on the part of the Chitaldrug Police and Magistracy in intimating the realization of the fine imposed on the prisoner.

From

The District Magistrate, Chitaldrug Dt.

No. 470 Dated 28/29-5-1914 Received 30-5-1914

Diary No. J3916	Enclos. 1	Spare Copies.	Serial No. 1

BRIEF ABSTRACT OF LETTER.

States the facts of the case and the circumstances in which the prisoner was overdetained, forwards the explanation of the Supt of Police, adds that the delay is very regrettable and that the persons concerned have been warned to be more careful in future and suggests a revision of the form of the fine warrant.

NOTES AND ORDERS.

Paper needs disposal

The facts of the case are clearly stated in the District Magistrate's letter. One Lakshmanappa was convicted and sentenced by the Asst Comr & 1st Class Magistrate of the Davangere Sub-Div to 4 months' rigorous imprisonment and a fine of Rs 50/-, in default to one month's

P.T.O.

NOTES—First Sheet.

GPB—35,000—15-6-12

G. R. S. 12]

General and Revenue Secretariat. | C5 File No. 7 of 1914-15

Serial No.

rigorous imprisonment in addition. The sentence having been passed on 27-11-1913, the substantive sentence expires on 26-3-1914. The accused's father paid the amount of fine in two instalments, the last instalment on 18-3-1914. Thus, there was 8 days' time for the authorities responsible to give intimation to the jail about the realization of the fine in full, but such intimation was rec'd in the Central jail only on the 9th April 1914 and the accused therefore suffered 14 days' add'l imprisonment.

Para 2 of para under disposal

2 Intimation of the recovery of the fine was rec'd in the court of the sentencing Magistrate on 5-4-1914 and was brought to his notice on the 8th idem. In ~~According~~ to the

Page 34 of the Gl. digest pubn

~~Above~~ Rules of Practice of 1879 & 1881, immediate intimation to the jail is insisted upon and to secure this end it is directed that a clerk be told off for this duty even on authorized holidays. From the District Magistrate's report it is not clear who is responsible for this short delay of 3 days. In the rule of practice referred to above, it is stated that the clerk responsible for the omission shall be liable to dismissal. But on two occasions the punishment

C5 26-06 + C5 20-09

NOTE—Contn. sheet.

GPB—60,000—7-11-13

P.T.O.

G. R. S. 12]

General and Revenue Secretariat. | C File No. 7 of 1914-15

Serial No.

Meka and was free of a month's pay for such omission remain in overdetention for 11 & 15 days respectively.

3 The greater portion of the delay in the present instance occurred in the office of the D. S. P., Chittaloor. From the explanation of Mr C. Machiah it will be seen that the warrant was received in his office with certificate of payment on 20. 3. 1914 but was transmitted to the court only on 3. 4. 1914. Besides the office, 5 officials handled the paper. So far as could be gathered from the particulars furnished in the explanation, the movement of the paper is noted hereunder:

Received in the D. S. P's office — 20. 3. 1914

With office at Camp — 21st & 22nd or 22nd & 23rd

Back again in office with Writer Constable Md. Khasim — 24th to 30th

Between Jemadar Gopaleiyar & Writer Constable Lenjappa — 31st to 2nd April 14

4 The D. S. P. does not fix the responsibility for the delay on the persons concerned except on Md. Khasim who is said to have left the office on the afternoon of illness for the 26th with the permission of the Head Munshi and returned

NOTE—Contn. sheet.

GPB—60,000—7-11-13

G. R. S. 12

General and Revenue Secretariat. | dlj File No. 7 of 1914-15

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only on the 30th March.

5 The explanation of the Head Clerk of the Magistrate's Court, who under the Rules of Practice of 1879 & 1881 was bound to report the fact of recovery to the Magistrate immediately, has not been taken. If app^d, the Dist. Magistrate will be requested to take his explanation as also the explanations of those responsible for the delay in the D.S.P's office and transmit the same hereat. He however considers it sufficient to let them off with a warning.

Page 34 of the Cr Digest for 1914

Explanations of police officials though taken have not been read

6 The District Magistrate incidentally suggests a revision of the form of the warrant to levy a fine, whereby it may be made obligatory on courts to mark all such warrants as urgent and to write the full sentence passed. On this suggestion the Chief Court will have to be consulted.

Sub^d for orders.

Reg. 716 NK
17-7-1914.

No 37 on page 275 of the Cr Pro: Code for 1914

7) In order to fix responsibility it is necessary to obtain the explanations of the Head clerk and Magisterial clerk of the Magistrate who dealt with the papers on receipt from the Police Office. The explns of the Police Officials (already taken)

NOTE—Contn. sheet.

GPB—60,000—7-11-13

1914 (5)

General and Revenue Secretariat. | NS File No. 7 of 1914-15

Serial No.	
	and the entire correspondence relating to the execution of the warrant may also be ordered to be sent up.
	Alle 20/7/14
	Secy)
Issue the plo as urgent throughout Dewar 26/7	8) One further information may be called for by the Asst Secy. A time limit is necessary for expediting cases of this kind. Dewar 26/7. Alle 27/7
Kly for draft 28/7	9) Subo with a draft to the Dist. Chittagong Secy. 916 30-7-1914 Alle
1-8-14 5-8-14	10) Issue Alle 30/7
2	To The District Magistrate, Chittagong No J 302 Dy 1-8-1914 calls for the explanation of the Head Clerk or other clerk who dealt with the paper and requests that the same may be forwarded along with the explanation of the Police officials and the entire correspondence relating to the execution of the warrant—
3	From the same Addressee No 71 Dy 4-8-1914

NOTE—Contn. sheet.

GPB—60,000—7-11-13

G. R. S. 12]

General and Revenue Secretariat. | C/- File No. 7 of 1914-15

Serial No.

Forwards the explanations of the Police officials and those of the officials of the Court alongwith the entire correspondence

X (11) From the Asst Commr Magistrate's letter of the 18th April 14 to the District Magistrate as also from the explanations of the D.S. Clerk & the third clerk of the Magistrate's Court, it will be seen that the delay of three days in intimation recovery of the fine was due to the ~~to~~ D.S.P's Yad going to Hdalkere first and then being redirected thereon to Kanihan. The Yad in question left the D.S. Clerk's hands the day it reaches him and intimation was ~~sent~~ despatched to the Jail on the day it reaches the Magistrate.

(12) But the delay in the D.S.P's office has not been satisfactorily explained. The Head Munshi, who was also the Hd Qr Dispr in charge at the time, recd the warrant with intimation of the recovery in full on the 20th Mar 1914 but is not positive when it was sent to the Officer or when it was recd back in office. The date below the Officer's signature in the order referring the paper to the Stns is apparently not the date ~~when~~ on which the Officer passed that order. It is the date of receipt of the paper in the office

Marked A in paper flagged I

P.T.O.

NOTE—Contn. sheet.

GPB—60,000—7-11-13

7

General and Revenue Secretariat.

cf File No. 70 of 1914.

Serial No.	
	13) The paper was admittedly with Writer Constable Md. Khasim from the 26th to
T	the 31st March. But on the 26th the constable is
& W	stated to have obtained the permission of
	the 1st Munshi to leave office on account of
	illness and returned only on the 30th, on
	which date the Store Jamadar was absent
	from 8 hrs. The paper was therefore de-
	livered at the Store on the 31st. The
	Head Munshi, who granted permission to
	this Constable to leave office, ~~was the Office~~
	~~who~~ was the ~~office~~ first to handle this paper
	in the D. S. P's office.
6 v. Dept abs putnp.	Sent for orders.
	Rep. 716
	11-8-14 WL
	14) The prisoner Lakshmappa ought to
	have been released on 26.3.14 but as the
	part of the recovery of fine had not
	communicated to the Jail authorities the
	9th of April, there was an overdetention
	for 4 days.
	15) The fine was received by the Police
	on 28.3.14, but the fact was not
	Communicated to the Magistrate Concerned
	till the 3rd of April was actually known
	to him only on the 8th April.

NOTE—Contn. sheet.

GPB—60,000—7-11-13

G. R. S. 12]

General and Revenue Secretariat. | C5 File No. 7 of 1914-15

Serial No.

16) The questions for consideration are:-

1) Who are all responsible for the delay in the office of the Dt. Supt. of Police?

2) Who are responsible in the Magistrate's office?

3) Whether the explanations given are satisfactory?

17) The Dt. Supt. of Police gives a formidable list of persons as having dealt with the papers in its course during the office. A cursory perusal even of the explanations shows that they are unsatisfactory, and that the Head Munshi of the office (the Head Munshi in this instance) knows nothing definite as to when the warrant containing the transaction memo of fine was sent in after execution from his office, or when it was received back from the police.

18) No explanation has been given as to why no steps were taken from the 25th to 26th, when once the constables is said to have come to the office, taken leave till the 30th of March for a usual dose of fever.

19) Again it is urged, that there was nothing in the warrant to show that

NOTE—Contn. sheet.

GPB—60,000—7-11-18

(9)

it has to be dealt as urgent, & the District-Magistrate proposes some amendment in this connection.

20) It is submitted that this contention can not be upheld to its fullest extent, inasmuch as the details of the bail convictions or other orders are usually sent to the Police Inspector in every case. The Officers could have very well noted the information. In such reference, perhaps, the information may be noted on the warrants.

21) This explanation however, does not seem to ~~be sufficient to~~ exonerate the officials from the important responsibility that lay on them, of sending the warrant at once to the Magistrate concerned.

22) The explanations furnished display a lack of organisation and an inefficient and a want of supervision on the part of the Head Munshi concerned. It is a point for orders as to what course or punishment is necessary in this matter.

23) As regards the Magisterial Officials, the only explanation urged is that that there was a delay of 2 days in

GPB—60,000—7-11-18

Serial No.

communicating the information to the magistrate as he was on circuit, the delay is attributed to the Post. The magistrate supports this, by saying that the papers are transmitted in one or two days.

C5
2/8

Dist. Committee)

24) The Head Munshi of the Police Office and the Constable who handled the warrant are apparently to blame in the matter. The latter perhaps may not have realised the urgency of the matter, but the Head Munshi can have no such excuse. There should be a standing order in the Police Department and in the Magts' Courts that such intimations shd be at once communicated to the Magte or Ct by the Police & by the Court to Jail. A warning is hardly sufficient for such Carelessness as has occurred in this case.

25) When Officers go on circuit

446

41

Serial No.

they must make arrangements for such papers (which merely require transmission) being despatched from Hd Qrs without being sent into Camp.

26) The suggestion of the Magte may be carried out after consulting the Chief Court.

27) The Dist Magte should be asked to enquire further into the matter & award adequate punishment to the parties at fault and report ~~to~~ ultimate disposal to Govt.

2/9/14

Ans 2/9

is 2/9

28 Please put up the necessary draft.

SB 2/9

cb 4/9

29) Draft an order & a letter to the Registrar, Chief Ct as proposed. May a separate file be opened for the enquiry ordered in para 26)

AS 54. 10/9/14) MH

Criminal dept put up 10/9

NOTE—Contn. sheet.

GPB—10,000—13-6-14

44b

12

G. R. S. 12]

General and Revenue Secretariat. | cs File No. 7 of 1914-15

Serial No.	
	30) Inapproval.
	Gs 14/9
	First Member)
	31) Drafts appod by First member with slight alterations on SS 14.9.'14
	Gs 15/9
	32) Issue
	Gs 15/9
4	To The Dist. Magistrate, Chittagong The Dist. Magistrate of Noakhali The Dy. Inspr. General of Police The Registrar, Chief Court No J 772-781 Dy 16.8.1914 State that the explanation furnished by the officials of the D.S.P.'s office are not at all satisfactory and request the Dist. Magte to further enquire into the matter and award adequate punishment to the parties at fault and calls for a report as to the ultimate disposal of the case: soon
5	To The Registrar, Chief Court No J 782 Dy 16.9.1914 Request him to be so good as to favour Govt with the opinion of the Judges of the Chief

NOTE—Contn. sheet.

N.T.O.

GPB—10,000—13-6-14

Ubb 1259

G. R. S. 12]

General and Revenue Secretariat. | of File No. 7 of 1914-15

Serial No.	
	Court as to the advisability of requiring the court to enter the full sentence awarded (substantive term of impt, priest impt in default of payt thereof) on the warant for the levy of the fine.
6	From the Dist. Magte, Chitaldrug No 166 Dy 14.10.1914
	Stats that the further explanation of Police Hd Munshi Bheema Rao was called for as suggested in para 3 & 4 of sl 4 and that as it was not found to be satisfactory he has been fined one rupee for his carelessness.
	33) Subd for information & orders.
	34) The opinion of the Chief Court (called for in para) regarding the advisability of the full sentence being entered on the warant has not yet been received.
	KG. 116 17.10.14 MK
	35) warant.
7	From the Regr, Chief Court No 2227/146 Dy 16-11-1914
	Stats with reference to sl 5 that the Judges of the Chief Court support the suggestion to enter the full sentence awarded on the warant for the levy of fine and Rs that

NOTE—Contn. sheet.

GPB—10,000—13-6-14

3916 1259 1654

G. R. S. 12]

General and Revenue Secretariat. | Cl. File No. 7 of 1914-15

Serial No.	
	the Jail or Lock up where the convicted person might be serving his sentence should also be mentioned in the fine warrant to enable the police officers to communicate with the Jail officer direct.
	36) Sub[d] for orders with refer to para 27 & 26. If approved, the Chief Court will be asked to have the form of warrant for levy of fine amended ~~so as to~~ in the light of the two suggestions contained in the Registrar's letter.
	Kg. 116 37). Please put up draft with copy of 18/12/1914 the existing form.
No 18/12	EB 18/12/1914.
	38) Sub[d]: The form ~~which~~ seems to be that No. XXXVII ✕ included in Schedule V of the Code of Cr. Procedure.
Put up separately	It is a matter for consideration if Legislation is necessary to amend the form in question.
	Kg. 116
	22/12/1914 39) No legislative action is necessary. The Chief Court have power to frame uniform and ~~this~~ even to vary the forms given in Schedule V. The only restriction imposed upon the Chief Court's power is that the forms framed shall not be inconsistent with this Code or any other law in force. ~~Septicus~~ Please put up draft Notification
	EB 23/12/14
	40)

NOTE—Contn. sheet.

GPB—63,000—15-9-14

1654

G. R. S. 12]

General and Revenue Secretariat. | C5 File No. 7 of 1914-15

Serial No.	
	sub. 40 Draft order is putup.
	Kg. 116
	23/12/1914 — 25/12/14
	sub)
	42 A tidy draft as revised may be put up. — Dues 20 26/12 — 26/12/14
	43 Tidy draft sub.
	Kg. 116
	26/12/14 — 29.12.14
	First member)
	Draft appd. by First member 31. 12. 14
	MJ — Dues 2/11
	44 Issue — 1/1/15
8	To The Registrar Chief Court
	The Ht Magte of Dts.
	The S. P. of Police.
	No. J 2035-44 D. 5-1-15.
	It has come to the notice of Govt, that persons sentenced to imprisonment in default of payment of fine in addition to a substantive term of imprisonment have sometimes been detained in gaol after the

B 21-1-15

NOTE—Contn. sheet.

GPB—25,000—2-11-14

P. S. O.

G. R. S. 12]

General and Revenue Secretariat. | C/S File No. 7 of 1914.

Serial No.	
	substantive sentence had expired even though the fine had actually been paid. This result is traced to delay in intimating the payment of fine to the jail authorities in time & in order to prevent this, it is suggested to enter the substantive sentence in the warrant for the levy of fine to bind the officer charged with the execution of the warrant realize the necessity of communicating the result to the courts concerned, without delay. The Judges of the court suggest that a add that the jail or lock up where the convicted person might be brought should also be mentioned in the warrant to enable the Police officers to communicate, if necessary, to the jail or lock up officer. Govt accordingly order that the form of fine warrant may be suitably amended

NOTE—Contn. sheet.

GPB—25,000—2-11-14

C5264-9

III/3076

1

From The District Magistrate 1914
Chitaldrug District.

To The Secy. to the Govt of
H.H. the Maharaja of Mysore
Jud & Rev Departments.
Bangalore.

Dated 29th } May 1914.
Despatched }

Received

General No. 470
No.

Enclosure No. 1

Furnishing explanation on the delay in the transmission of the information about the realization of the fine imposed by the Assistant Commr & 1st class Magistrate, Davangere Sub Division, upon Shanbhogue Lakshmanappa of Kyatsapur village in the Chitaldrug Taluk, accused in Cr. Case No. 41 of 1913-13 on the file of the said Magistrate.

GPB—50,000—8-1-13

2 No. 470

No. I J 3916,

19[illegible]-1914
SECTION Courts
FILE No. 4 of 1914-15
SERIAL No. 1

Office of the District Magistrate,
Chitaldrug District.
Dated Chitaldrug, 28th May 1914.
29/5

From,

V.R. Thyagaraja Iyer Esquire M.A.,
District Magistrate,
C h i t a l d r u g.

To,

D.M. Narasinga Rao Esquire B.A.,B.L.,
Offg. Secretary to the Government of
H.H. the Maharaja of Mysore,
Genl: and Rev: Departments.
B A N G A L O R E.

S i r,

I have the honor to state that Lakshmappa accused in Criminal case No.41/12-13 was convicted by the Assistant Commissioner, and 1st class Magistrate Davangere on 27th November 1913 under section 409 Indian Penal Code and sentenced to suffer 4 months rigorous imprisonment on each of the two Counts and 50 rupees fine and in default to suffer one months additional rigorous imprisonment and the sentences of imprisonment were ordered to run concurrently. The prisoner was as usual incarcerated in the central Jail at Bangalore. A fine warrent was issued by the Magistrate on 29th November 1913 for leving the fine amount. Six rupees were paid by the accused's father on 10th January 1914 and the remaining amount of Rs 44 on 18th March 1914. Intimation about the recovery of the last mentioned amount was received by the officer in charge of the Jail only on the 9th April 1914 and on this date the convict was actually released from the Jail. The substantive sentence of imprisonment expired on the 26th March and the imprisonment inflicted in default of payment of fine was begun to be undergone by him from the 27th March 1914. Thus the accused suffered extra imprisonment for 14 days. The Superintendent, central Jail, Bangalore, requested the said 1st Class Magistrate on 14th April to make necessary enquiries as to when the amount of fine was paid and how it was that no immediate intimation of its realization was sent to the Jail.

2.The Assistant Commissioner and 1st class Magistrate in submitting the records to me states that the intimation of the recovery of the fine was received in his office on 5th April and brought to his notice on the 8th idem and the delay of 2 days was "regrettable" which he says was due to his camping at Holalkere and Harihar in connection with the Exhibition and Cattle Show at Harihar and that the paper was consequently in transmission.

3. The Sprintendent of Police was next requested to explain the delay from 20th March 1914 to 5th April 1914 on the former of which dates the reference was received in his office. Copy of his letter explaining the delay is herein enclosed for the information of the Government. No one in the Superintendent's office appears to have realized the urgency of the paper

4. The Superintendent of Police in conclusion states that the paper was treated as a routine one as it could not be made out that the warrent was urgent either from the previous correspondence about it or from the body of the warrant which omitted to state the full sentence passed on the accuse It contains the sentence of fine only.

5. The delay is very regrettable and I have warned the persons concerned to be more careful in future. The Superintendent of Police reports that he has issued orders to all Police Officers to directly intimate the Courts concerned the realization of fine immediately after its reccvery

6. In this connection I venture to suggest that the form of the fine warrent may be revised so as to make it compulsory on all the Courts to mark all such warrants urgent and to write the full sentence passed i,e, substantive sentence of imprisonment, fine and imprisonment in default of payment of fine. It is learnt that some of the Courts are writting onlm the sentence of fine as the form does not

4

not prescrib-- that the whole sentence should be written while some others are in the habit of writing the full sentence.

I have the honor to be,

S i r,

Your most obedient servant,

District Magistrate,

Chitaldrug District.

KA

No. 71.
encs 2 files

DIARY No. J.446

1914 1915
SECTION Genl
FILE No. 7 Serial
SERIAL No. 3

Office of the District Magistrate,
Chitaldrug District.

Dated Chitaldrug, 4th August 1914.

From

V. R. Thyagaraja Iyer Esquire M.A.,
District Magistrate,
C h i t a l d r u g.

To

D. M. Narasinga Row Esquire B.A.,B.L.,
Offg: Secretary to the Government of
His Highness the Maharaja of Mysore,
General and Revenue Departments,
B a n g a l o r e.

S I R,

With reference to your letter No. J.302/Legi.7-14-2 dated the 1st instant requesting to forward the entire correspondence relating to the over-detention of one Lakshamppa in the Bangalore Central Jail etc, I have the honor to submit the same herewith together with the explanations of the officials who dealt with the paper in the Police Superintendent's office and in the Court of the Assistant Commissioner and 1st Class Magistrate, Davangere Sub Division.

I have the honor to be,
S I R,
Your most obedient servant,

Deputy Commissioner,
Chitaldrug District.

S.V.

1914

From The Deputy Commissioner
Chitaldrug district.

19 .19
SECTION
FILE

To The Secretary to the Govt of
H.H. the Maharaja of Mysore
Genl & Rev. Departments
Bangalore.

Dated 4th
Despatched } August-1914
Received

General No. 71
No.

Enclosure No. 2 files.

Submitting the entire correspondence relating to the over detention of one Lakshmappa in the Bangalore Central Jail together with the explanations of the officials concerned.

GPE—50,000—8-1.13

(relating to the recovery of the Rhemi pulp)

paper/an receipt from the Police Supt's office may be obtained and forwarded to this office along with the explanation of the official of the Police Supt's office that have already been taken. The entire correspondence relating to the execution of the warrant may also be forwarded.

The matter may kindly be treated as urgent and a reply sent to this office within a week.

Thanks

In abs: Sep to Govt

List of enclosures

leg. file
30.7.14

Copied by

Examined by 3/17

GPB—25,000—4-3-13

8

G. R. S. 26]

File No. 70/1914

Serial No. 2

Diary No. of letter replied to

No. 302

General and Revenue Secretariat

( )

, the *191* .

To

The District Magistrate,

Chitaldrug District

Date of issue 1-8-14

Signed by Mr N Madhava Rao

Sir,

Adverting to your letter no. 470 dated the 29th May 1914, in the matter of the over detention of one Lakshmappa in the Bangalore Central Jail, I am directed to request that the explanation of the Head Clerk and of the Magisterial or other clerk of the Magistrate who dealt with the

P.T. over.

SUBJECT.

7

7. The records received with the above together with the explanation of the marginally noted officials are herewith submitted.

1. Head Munshi B. Rama Row.
2. Deputy Munshi K. Rama Row.
3. Jamadar K. Gopaliengar.
4. Writer constable Md: Khasim.
5. --Do-- Lingappa.

I have the honor to be,

S I R,

Your most obedient servant,

(Sd) C. Machia,

District Superintendent of Police.

"C O P Y."

District Magistrate,

Chitaldrug District.

S.V.

5

Copy of letter No.1182 dated 8th May 1914 from the Superintendent of Police, Chitaldrug, to the District Magistrate, Chitaldrug District.

Encl to C.S. 7-14-1

With reference to your docket No.569 dated the 23rd April 1914 requesting to explain why there was a delay of about 16 days in the transmission of the information about the realization of the fine imposed by the Assistant Commissioner and 1st Class Magistrate of the Davangere Sub-Division, upon shanbhogue Lakshmappa of Kyasapur village in the Chitaldrug Taluk, accused in criminal case No.41 of 1912-13 on the file of the said Magistrate and pointing out that the accused in question has consequently suffered unnecessary imprisonment for a period of 14 days I have the honor to state as follows:-

2. The fine warrant dated 29th November 1913 issued by the Assistant Commissioner Magistrate of Davangere Sub-Division was received in this office for the first time on the 30th idem and as a sum of Rs. 6 was paid by shanbhogue Subbanna on 10th January 1914 the warrant was returned to the Court on 20th January 1914 from this office with a request that the same may be returned for recovering the remaining amount of fine. It was accordingly returned on 12th February 1914 and in due course the balance of fine viz Rs. 44 was paid by the shanbhogue Subbanna on 18th March 1914 and the warrant was returned to this office with a Treasury Certificate intoken of the realization of the remaining amount of fine. This was received in the District Police Office on the 20th March 1914. This was sent to my camp(in the Hiriyur Taluk) on the 21st March 1914 with the Head Munshi drafting a remark on it, "Store, take note and forward to the concerned Court". This must in ordinary course of business, have been received at Yelladakere camp on the 22nd morning and returned to Head Quarter Office by the post of the next day,with my signature thereto,as will be seen from the explanation furnished by Deputy Munshi K. Rama Row who was my camp clerk then and also from the corrected date noted in the reference column of the " From " Register.

3. On looking into the From and To register and refer book

Amendment of the Form of Fine Warrant

G.R.S. 28]

4/1 ab

Copies

Copy draft

Cy File No. 7-14

Serial No. 8

*Diary No. of letter replied to*_____

Proceedings of the Government of His Highness the Maharaja of Mysore

GENERAL AND REVENUE SECRETARIAT.

( )

, *the* 191 .

READ—

Date of issue 5/1/1915.

Signed by M. G. Srinivasa Iyer.

ORDER ~~THEREON.~~ No. J 2035-44:

It has come to the notice of Govt that persons sentenced to imprisonment in default of payment of fine in addition to a substantive term of imprisonment have sometimes

P.T.O. over

SUBJECT.

GPB—50,000—1-12-12

been detained in jail after the substantive sentence had expired even though the fine had actually been paid. This result is traced to delay in intimating the payment or recovery of fine to the jail authorities in proper time and it is suggested that this might be effectively prevented if the substantive sentence is in every case entered in the warrant for the levy of the fine, so that the officers charged with the execution of the warrant for levying the fine may realise the necessity of communicating the result to the Courts concerned without any delay.

2. This suggestion has met with the support of the Judges of the Chief Court who add that the jail or lock-up where the convicted person might be serving his term of

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(Continuation sheet draft form.)

imprisonment should also be mentioned in the fine warrant to enable the Police Officers to expeditiously communicate, if necessary, with the Officer in charge of the Jail or Lock-up.

3. Govt agree with the Chief Court who are accordingly requested to have the form of the fine warrant suitably amended.

Govt 29.12.14

For Offg: Secy to Govt

To The Registrar, Chief Court

The District Magistrate of Dist

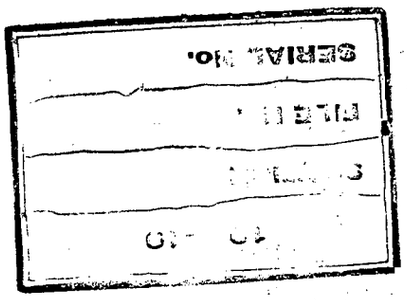
The I.G. of Police.

Print

31/12/14

Govt 4/1

No. 2227/146.



21

BANGALORE.

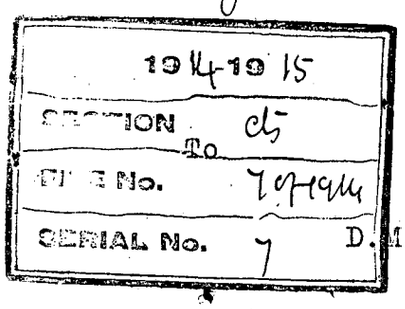
Dated 16th November 1914.

19

From

DIARY No. J 1654

N.T. GOPALIENGAR, Esquire, B.A., LL.B.,
Registrar of the Chief Court of Mysore.



D.M. NARASINGA RAO, Esquire, B.A., B.L.,
Offg: Secretary to the Government of Mysore,
General and Revenue Departments.

S i r,

Adverting to your letter No. J. 782/Cts. 7-14-5 dated 16th September 1914 suggesting the advisability of requiring the Courts to enter the full sentence awarded (substantive term of imprisonment, fine and imprisonment in default of payment thereof) on the warrant for the levy of fine and requesting to favour Government with the opinion of the Judges of this Court, I am directed to state that the Judges support the suggestion and also that of the Sessions Judge of Mysore that the jail or lock-up where the convicted person might be serving his term of imprisonment should be mentioned in the fine warran to enable the police officers to communicate with the officer in charge of the jail or lock-up direct to avoid delay.

I have the honour to be,

Sir,

Your most obedient servant,

N. Gopalaniengar

REGISTRAR.

N.G.

No 166.

Office of the District Magistrate,
Chitaldrug District.

Dated Chitaldrug, 14th October 1914.

DIARY No. J 1259

1914-15
SECTION C5
FILE No. 70 1914
SERIAL No. 6

From

V. R. Thyagaraja Iyer Esquire M.A.,
District Magistrate,
C h i t a l d r u g.

To

D. M. Narasinga Row Esquire B.A.,B.L.,
Offg: Secretary to the Government of
His Highness the Maharaja of Mysore,
General and Revenue Departments,
B a n g a l o r e.

S I R,

With reference to para 4 of Government Proceedings No. J.772-781/Cts. 7-14-4 dated 16th September 1914 in re the explanation of the Police Head Munshi for the long delay in intimating the realisation of fine to the Court concerned, I have the honor to state that his further explanation as suggested in paras 3 and 4 of the above proceedings was called for and that as it was not found to be satisfactory, the said Head Munshi has been fined one rupee for his carelessness.

I have the honor to be,
S I R,
Your most obedient servant,

V Thyagaraja Iyer
District Magistrate,
Chitaldrug District.

GPB—100,000—29-7-14

1-4

From The District Magistrate
Chitaldrug District
1914

No 16/10

To The Secretary to the Court of
H. H. the Maharaja of Mysore
Legal & Rev. Department
Bangalore

Dated 14 } October 14
Despatched }

Received

General No.
No.

Enclosure No.

Stating that the explanation furnished by the Police Head Gumashi, in connection with the delay, in intimating the realisation of fine to the Court-Concerned, was not satisfactory & he has been fined one rupee for his carelessness.

Two Drafts

Re the modification of the form of the warrant for the recovery of fines

G. R. S. 26]

File No.

Serial No. 5

Diary No. of letter replied to

No. J 782

General and Revenue Secretariat

( )

, the *191* .

To The Registrar, Chief Court,

Sir

Date of issue 16/9/14

I am directed to state that

Signed by Mr. E Srinivasa Iyengar

instances have been brought to the notice of Govt. in which prisoners sentenced to imprisonment in default of payment of fine, in addition to a substantive term of imprisonment, have been detained in the jails after the expiry of the latter, by reason of the intimation of recovery of the fine not being received by the jail authorities in time. It is ~~sometimes contend~~ ed

over.

SUBJECT.

~~Suggested by the Asst Registrar that~~ this might be effectively prevented if ~~that~~ the substantive sentence is in every case ~~not~~ entered in the warrant for the levy of the fine, ~~the officer transmitting~~ the warrant after execution, ~~are not~~ in a position to know the date of expiry of the sentence, and that the delay is due to dealing with the warrant in the usual course of office routine.

I am therefore to request you to be so good as to favour ~~me~~ Govt. with the opinion of the Judges of the Chief Court as to the advisability of requiring the Courts to enter the full sentence awarded (substantive term of imprisonment, fine & imprisonment in default of payment thereof) on the warrants for the levy of the fine.

So that the Officers charged with the execution of the warrant for levying the fine may realise the necessity of Communicating the result to the Courts concerned without any delay.

List of enclosures

I have &c 14/9/14

for Inft Asst Registrar

Copied by

Examined by

GPB—25,000—4-3-13

Two Drafts
Passing orders on the release
of a prisoner.

28.I

ch File No. 7-14
Serial No. 4

Diary No. of letter replied to_____

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.

READ—

Paper under disposal 19

Letter no 470 dy 28th May 1914 from the D. M. Chitaldroog, reporting the detention of one Lakshmappa after the expiration of the sentence of imprisonment passed upon him

Date of issue 10/8/14

Mr. Srinivasa Rao

~~CONSIDERATION~~

2. Correspondence ending with letter no 71 dy 4th Aug 1914 from the same submitting the papers connected with the case.

Order thereon

over

SUBJECT.

15-9-14

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(Continuation sheet draft form.)

4.

and in the usual course it must have been returned to the D.S.P's office on the 22nd or 23rd March. On the 26th March the warrant, it is stated, was taken to the Store Jamadar by writer Constable Mahomed Kasim, who not finding the former, went home on account of fever with the permission of the Head Munshi of the D.S.P's office. The warrant was handed over to the Store Jamadar on the 31st March & was finally received in the office of the Convicting Magistrate on the 5th April 1914, who intimated the receipt of the fine to the Supdt of the Central jail on the 8th ditto.

3. The delay in the Office of the Magistrate's office is due to the warrant having been in transmission between Holalkere and Harihar as that officer was touring in connection with the Harihar Cattle Show and Exhibition. The explanations furnished by the officials

of the D.S.P.'s Office
are not all satisfactory. The Head
Munshi knows nothing definite as to
when the warrant after execution was
sent from the office & when it was
received back from the Police. No
explanation has been given, why no
steps were taken between the 23rd March
& 26th March.

(4) The Head Munshi and the
Constable who ~~carried the warrant~~
are apparently to blame ~~in the matter~~.
The latter perhaps may not have
realised the urgency of the matter
but the Head Munshi can have no such
excuse. You consider that a
warning is hardly sufficient for
such carelessness as has occurred
in this case. The D.C. Magistrate is requested to further inquire into the
matter and award adequate punishment to the parties at fault. A report

You observe that there should
be a standing order in the Police
Deptt [illegible]

(G.R.S. 27)

GENERAL AND REVENUE SECRETARIAT.

(Continuation sheet draft form.)

requiring the immediate [illegible]
cation of the recovery of [illegible]
the Magte or Court by the Police
+ by the Court to the Jail. [illegible]
also necessary for officers [illegible]
on circuit to make arrangements
for such papers (which may
quire transmission) being sent
from head quarters without
sent [illegible] on to camp.

Shall this be printed?

14/9/14

for offg Secy
14/9

The Dy Magte Chitaldrug for
ing the same.

The Dy Magte of Oota &
The S.P. of Police
The Regr. Chief Court

No. J. 2035-44—Cts. 7-14-8, dated 5th January 1915.

GOVERNMENT OF MYSORE.

GENERAL AND REVENUE DEPARTMENTS.

Order No. J. 2035-44 - Cts. 7-14-8, dated 5th January 1915.

It has come to the notice of Government that persons sentenced to imprisonment in default of payment of fine in addition to a substantive term of imprisonment have sometimes been detained in Jail after the substantive sentence had expired even though the fine had actually been paid. This result is traced to delay in intimating the payment or recovery of fine to the Jail authorities in proper time and it is suggested that this might be effectively prevented if the substantive sentence is in every case entered in the warrant for the levy of the fine, so that the officers charged with the execution of the warrant for levying the fine may realise the necessity of communicating the result to the Courts concerned without any delay.

2. This suggestion has met with the support of the Judges of the Chief Court who add that the Jail or Lock-up where the convicted person might be serving his term of imprisonment should also be mentioned in the fine warrant to enable the Police officers to expeditiously communicate, if necessary, with the officer in charge of the Jail or Lock-up.

3. Government agree with the Chief Court who are accordingly requested to have the form of the fine-warrant suitably amended.

D. M. NARASINGA RAO,
Offg. Secy. to Govt., Gen. & Rev. Depts.

To—The Registrar, Chief Court
The District Magistrates of Districts.
The Inspector-General of Police in Mysore.

Ex. L. C. E.

Government of Mysore.

GENERAL AND REVENUE DEPARTMENTS.

G. O. No. J. 2035-44–Cts. 7-14-8. 5th January 1915.

Form of Fine-warrant.